

REMARKS

Reconsideration of this application as amended is respectfully requested. In the Final Office Action, claims 1, 3-29, 31-36 and 44-47 were pending and rejected. In this response, claims 1, 4, 29, and 44 have been amended, without adding any new matter. Claims 3 and 34 have been cancelled. No claims have been added. Thus, claims 1, 4-29, 31-33, 35, 36, and 44-47 are pending.

Claims 1, 4-15, 21-22, 24-29, 31-33, 35, and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,505,160 of Levy et al (“Levy”) in view of U.S. Patent No. 6,166,735 of Dom et al. (“Dom”). The Applicants respectfully disagree.

Levy describes a system whereby identifiers embedded in media objects are utilized by a decoding process when the media object is played (Levy, Figure 1; column 6, lines 29-59). The decoding process reads the identifier from the media object and then causes a communications process to send the decoded identifier to a server (Levy, column 4, lines 40-67). The server either performs an action, such as consumer tracking, marketing functions, copyright verification, etc., or returns metadata associated with the media object (Levy, column 4, line 62 to column 5, line 16; column 6, lines 43-59). The decoding process, however, is described as only operating when the identifier is decoded from the media object.

Dom describes a system that allows a user to access videos, via the internet, from a server (Dom, column 7, lines 23-47). The server presents the user with points that allow a user to play the video from one of the points, as opposed to the beginning of the video (Dom, column 9, lines 4-50). As such, Dom merely provides for a direct request and response between a user and the server.

Claim 1, as amended, recites:

A system comprising:

- a controller configured to select an identifier associated with a media object and to send a request to play the media object identified by the identifier, wherein the controller sends the request by wirelessly transmitting the request having the identifier stored in the controller over a first network, the first network being a wireless network;
- an appliance configured to receive the request having the identifier from the controller over the wireless network, to determine whether the identified media object is stored in the appliance, to retrieve the media object from a first server via a second network different than the first network when the media object is not stored in the appliance, and to play the media object in response to the request, wherein the controller and the first server are synchronized on a predetermined time period to provide the controller with identifiers for identifying each media object stored on the first server.

That is, independent claim 1 includes a controller that wireless communicates with an appliance over a first network which is a wireless network, where the appliance communicates with a first server over a second network which is different than the first network. The controller sends a request to the appliance to play a media object by wirelessly transmitting an identifier identifying the requested object in the appliance. In response to the request wireless received from the controller over the first network, the appliance determines whether the requested media object is locally stored in the appliance and retrieves the requested object from the first server over the second network (e.g., different than the first network) if the appliance does not have the requested object stored therein. Thereafter, the appliance plays within the appliance (rather than the controller) the retrieved object. Furthermore, the controller and the server are synchronized, based on a predetermined time period, so that the controller is provided with identifiers identifying each media object stored on the first server.

In order to render a claim obvious, each and every limitations of the claim must be taught by the cited references, individually or in combination. It is respectfully submitted that Levy and Dom, alone or in combination, fail to disclose the limitations set forth above.

Claim 1, as amended, recites that “the controller and the first server are synchronized on a predetermined time period to provide the controller with identifiers for identifying each media object stored on the first server.” The Examiner did not cite Dom as describing, or contributing to the description of this limitation, in the rejection under § 103. However, the Applicants submit that the limitation is absent from Dom, as Dom merely describes a system in which users make direct requests for videos, and in response to those requests, the video is played on the user’s computer. Dom is utterly silent as to the concept and description of synchronization of the user’s computer to the contents of the video server. Further, Levy describes playing a media object and decoding an identifier embedded in the media object while it is playing. The identifier is then communicated to a server, as a direct result of the playing, which uses the identifier to return meta data or perform an action. However, none of the actions described by Levy include synchronizing contents of a device with the media objects stored on a server. For sake of argument, Levy would at best link metadata with a media object only while the object is being played. Linking metadata to a single media object that is presently being played/decoded, however, fails to describe or suggest synchronizing server content with a controller used to request the playing of the content on an appliance.

Furthermore, Levy fails to disclose a network appliance to receive a request to play a media object from a controller (e.g., a portable device or PDA) over a wireless network (e.g., a first network), to determine whether the requested media object is stored in the network appliance, to retrieve the requested media object from a server over a second network different than the first network (e.g., wireless network), and to play the retrieved media object within the network appliance (rather than the controller).

The Examiner asserted that Levy discloses the system configuration claimed by the Applicants (Final Office Action, page 2, paragraph 3). The Applicants respectfully disagree.

Rather, the passages of Levy cited by the examiner only refer to obtaining additional content data, or performing an action, based on a decoded identifier (*See* Levy, column 4, lines 33-39 and lines 44-67 discussing that an object becomes active once an identifier is decoded, however the object has already been distributed to a user; *See also* Levy, column 14, lines 11-24 merely noting that communications applications that forward identifiers are dependent on the communication link; *See also* Levy, column 6, lines 43-59 discussing that linked object could require the downloading of decryption software or establishing a license, prior to playing the media object distributed to the end user). That is, the objects retrieved by Levy are not the media objects associated with the identifier, rather they are tertiary metadata, authentication routines performed outside of the media object, software needed to play a media object, etc. However, in each case, the systems and method of Levy already have the media object, and would therefore not “retrieve the media object from a first server via a second network different than the first network when the media object is not stored in the appliance.”

Therefore, for at least the reasons discussed above, neither Levy nor Dom, alone or in combination, describe or suggest the limitations as claimed in claim 1. Thus, Levy and Dom fail to render claim 1 obvious under § 103. Furthermore, independent claims 29 and 44 include similar limitations to those discussed above with respect to independent claim 1. Therefore, for similar reasons, claims 29 and 44 are also not rendered obvious under § 103 by Levy and Dom. The Applicants respectfully request withdrawal of the rejections.

Given that claims 4-15, 21-22, 24-28, 31-33, 35, and 45-47 depend from one of the above independent claims, at least for the reasons similar to those discussed above, it is respectfully submitted that the rest of the claims are patentable over the cited references. Withdrawal of the rejections is respectfully requested.

With respect to claim 25, the present invention as claimed requires that “the controller is a portable controller capable of wirelessly controlling the appliance over the first network, wherein the first network is a local network and the second network is an external network, and wherein the controller wirelessly controls the appliance to retrieve and play the media object within the appliance.” That is the present invention provides for a portable controller to cause an appliance to retrieve and play media objects within the appliance. The Examiner cites Levy (column 12, lines 37-67), but there is nothing in the cited text that mentions the controller causing the appliance to play a requested media object. Rather, Levy describes a “fetch it” feature that enables a user to “fetch information and make orders from music as the music is playing” (Final Office Action, paragraph spanning pages 9 and 10 *citing* Levy, column 12, lines 51-53). That is, the music that is already playing before a user is enabled to fetch information or order from music, Levy could not teach or suggest a controller that “controls the appliance to retrieve and play the media object within the appliance.” In view of this, the Applicants submit that the present invention as claimed in claim 25 is not rendered obvious by the cited references.

Claims 16-20, 23, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy in view of Dom and U.S. Patent No. 6,097,389 of Morris et al. (“Morris”). As discussed above with respect to independent claims 1 and 29, from which claims 16-20, 23, and 36 depend, Levy and Dom fail to describe each and every limitation claimed by the Applicants in claims 1 and 29. Because Morris merely describes a graphical user interface for displaying graphical images (Dom, column 3, line 40 to column 4, line 39), Morris also fails to teach or suggest the limitations discussed above with respect to claims 1 and 29. Thus, Levy, Dom, and Morris, alone or in combination, fail to render claims 1 and 29, and thus dependent claims 16-20, 23, and 36, obvious.

In view of the foregoing remarks and amendments, it is respectfully submitted that claims 1, 4-29, 31-33, 35, 36 and 44-47 include limitations that are not disclosed or suggested by the cited references, individually or in combination.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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10/12/03



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10/12/2006

Application No.: 09/629,781
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First Named Inventor: Gregory J. Wolff, et al.
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